

APPEAL NO. 033179  
FILED FEBRUARY 2, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on November 12, 2003. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable repetitive trauma injury to her right upper extremity with a date of injury of \_\_\_\_\_, and that she had disability from April 17, 2003, through the date of the CCH. The appellant (carrier) appeals, contending that the hearing officer's decision is not supported by sufficient evidence and is against the great weight of the evidence. No response was received from the claimant.

DECISION

Affirmed

The claimant contended that she sustained a repetitive trauma injury to her right upper extremity as a result of performing her work activities and that she has had disability as a result of her injury. The claimant had the burden to prove that she sustained a repetitive trauma injury as defined by Section 401.011(36) and that she had disability as defined by Section 401.011(16). Conflicting evidence was presented at the CCH on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, the hearing officer's decision is supported by the claimant's testimony and by the reports of her treating doctor and referral doctor. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **AMERISURE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CINDY GHALIBAS  
7610 STEMMONS FREEWAY  
DALLAS, TEXAS 75247.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Margaret L. Turner  
Appeals Judge

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Edward Vilano  
Appeals Judge